

REMARKS

Claims 18-21 and 23-41 are pending in the present application. Claims 18, 21, 27, 31 and 35 have been amended. Claim 41 has been added. Support for new claim 41 may be found in original claim 35. No new matter has been added by way of the above amendments.

Rejections under 35 U.S.C. §112, 1st paragraph

Claims 18-21 and 23-30 have been rejected under 35 U.S.C. §112, first paragraph. The Examiner has rejected the claims as lacking enablement for “preventing” inflammatory diseases. Claims 18, 27 and 35 (and the dependent claims thereon) have been amended to be directed to methods of treating the conditions as stated in the claims. As such, withdrawal of the rejection is respectfully requested. Applicants also note for the record note the while claims 29 and 31 were included in the rejection, these claims are respectively drawn to:

“29. A method of reducing the allergenic and/or irritant character...” and

“31. A method for the cosmetic treatment of skin and/or mucous membranes that are sensitive, irritated, intolerant, of an allergic tendency, aged, exhibiting danger signs, exhibiting a disorder of the cutaneous barrier, exhibiting cutaneous redness or exhibiting a non-pathological immunological imbalance related to intrinsic, extrinsic or hormonal aging...”

Thus, claims 29 and 31, and the dependent claims thereon, do not encompass “preventing” a condition and thus the rejection of these claims as being drawn to methods of “preventing” is traversed.

Rejections under 35 U.S.C. §102(b)

1) Claims 18-21, 23-26, 30, 35, 36, 39 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by Houlmont et al. The Examiner acknowledges that Houlmont et al. is directed to compositions for cosmetic products and there is no disclosure in the reference of treating inflammatory diseases. However, the Examiner takes the position that all of the individuals who used the composition of Houlmont et al. would be potentially susceptible to developing an inflammatory disease. Thus, the patients using the cosmetic compositions of Houlmont et al. would be encompassed by the claims with the recitation of “preventing.”

As noted above, the claims have been amended to be drawn to method of treating the indicated conditions, with methods of preventing being deleted from the claims. As such, the

instant invention is distinguished from Houlmont et al. and withdrawal of the rejection is respectfully requested.

2) Claims 18, 19, 23-33, and 35-40 have been rejected under 35 U.S.C. §102(b) as being anticipated by Heiner et al. (DE '271). The Examiner asserts that Heiner et al. teaches a composition having an alkyl-glucoside that would be encompassed by claim 1 and the use of such a composition for treating aging, inflammatory diseases, allergic reactions etc. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

Heiner et al. discloses a composition for the cosmetic and dermatological treatment or prophylaxis of erythematous, inflammatory, allergic or auto-immunoreactive appearances. The composition in Heiner et al. contains an alkylglucoside having at least two sugar moieties, wherein the alkyl group has 4 to 25 carbon atoms. As described on page 4, paragraph 4 of the English translation, the alkylglucoside is described as being a surfactant. In addition, as disclosed on page 5, paragraph 6 of the translation, the composition has a relatively high content of monoglucoside. However, Heiner et al. fails to teach or suggest any anti-inflammatory activity or anti-aging activity associated with the alkylglucoside. In addition, there is no teaching or suggestion in Heiner et al. of using a reducing sugar as an active agent. As such, the invention of claims 18, 19, 23-33, and 35-40 is not anticipated by Heiner et al. and withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §103

1) Claims 31-34 have been rejected under 35 U.S.C. §103 as being obvious over Houlmont et al. Claims 31-34 are directed to "A method for the cosmetic treatment of skin and/or mucous membranes that are sensitive, irritated, intolerant, of an allergic tendency, aged, exhibiting danger signs, exhibiting a disorder of the cutaneous barrier, exhibiting cutaneous redness or exhibiting a non-pathological immunological imbalance related to intrinsic, extrinsic or hormonal aging." Houlmont et al. is likewise drawn to cosmetic treatments. The Examiner notes that Houlmont et al. teach that the composition of the reference is very tolerant to the skin. The Examiner asserts it would therefore be obvious to apply the Houlmont et al. composition

with a cosmetic treatment on a person with the sensitive skin conditions listed in claim 31. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

As discussed above, Houlmont et al. is directed to compositions for cosmetic products and there is no disclosure in the reference of treating inflammatory diseases. There is no disclosure or suggestion in Houlmont et al. of using a reducing-sugar monomer as an active agent, as recited in amended claim 31. As such, the invention of claims 31-34 is not suggested by or obvious over the disclosure of Houlmont et al. and withdrawal of the rejection is respectfully requested.

2) Claims 20 and 34 have been rejected under 35 U.S.C. §103 as being obvious over Heiner et al. Applicants traverse this rejection and withdrawal thereof is respectfully requested. As discussed above, Heiner et al. discloses a composition for the cosmetic and dermatological treatment or prophylaxis of erythrematous, inflammatory, allergic or auto-immunreactive appearances, containing an alklyglucoside a surfactant. However, Heiner et al. fails to teach or suggest any anti-inflammatory activity or anti-aging activity associated with the alkylglucoside. In addition, there is no teaching or suggestion in Heiner et al. of using a reducing sugar as an active agent. As such, it would not be obvious to one skilled in the art to use a composition containing a reducing-sugar monomer as an active agent in a method for treating inflammatory diseases, age-related chronic inflammatory problems, or to slow the natural aging of skin. As such, the invention of claims 20 and 34 is not obvious over Heiner et al. and withdrawal of the rejection is respectfully requested.

In view of the above amendments and Remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D., Reg. No. 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

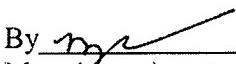
Application No. 10/577,444
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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